

1964. Misbranding of canned cherries. U. S. v. 35 Cases of Canned Cherries. Default decree of condemnation and destruction. (F. D. C. No. 4550. Sample No. 43262-E.)

On May 7, 1941, the United States attorney for the District of Nebraska filed a libel against 35 cases, each containing 24 No. 2 cans, of cherries at North Platte, Nebr., alleging that the article had been shipped in interstate commerce on or about March 26, 1941, by Nash-Finch Co. from Denver, Colo.; and charging that it was misbranded. It was labeled in part: "Loveland Brand Water Pack Colorado Tart Red Pitted Cherries."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard because of the presence of more than 1 pit in each 20 ounces of canned cherries, and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On June 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1965. Misbranding of canned cherries. U. S. v. 105 Cases of Canned Cherries. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 4031. Sample No. 65419-E.)

On or about March 26, 1941, the United States attorney for the Northern District of Texas filed a libel against 105 cases of canned cherries at Lubbock, Tex., alleging that the article had been shipped in interstate commerce on or about August 3, 1940, by the Perry Canning Co. from Perry, Utah; and charging that it was misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear, in such manner and form as the aforesaid regulations specify, a statement that it fell below such standard. The article was labeled in part: (Cans) "Gateway Brand Water Pack Red Sour Pitted Cherries."

On May 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

1966. Misbranding of canned cherries. U. S. v. 62 Cases of Canned Cherries. Default decree of condemnation. Product ordered delivered to a local charitable institution. (F. D. C. No. 4213. Sample No. 65440-E.)

On or about April 8, 1941, the United States attorney for the Northern District of Texas filed a libel against 62 cases, each containing 6 No. 10 cans, of cherries at Lubbock, Tex., alleging that the article had been shipped in interstate commerce on or about December 11, 1940, by Pleasant Grove Canning Co. from Pleasant Grove, Utah; and charging that it was misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear, in such manner and form as the regulations specify, a statement that it fell below such standard. The article was labeled in part: (Cans) "Alpine Brand Red Sour Pitted Cherries in Water."

On May 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable institution.

1967. Misbranding of canned cherries. U. S. v. 70 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4069. Sample No. 60540-E.)

On March 28, 1941, the United States attorney for the District of Montana filed a libel against 70 cases, each containing 6 No. 10 cans, of cherries at Stevensville, Mont., alleging that the article had been shipped on or about December 7, 1940, by the Spokane Valley Canning Co. from Veradale, Wash.; and charging that it was misbranded. It was labeled in part: (Cans) "Spokane Valley Brand Water Pack Red Sour Pitted Cherries."

The article was alleged to be misbranded in that it fell below the standard of quality and condition promulgated for such canned food because of the

presence of more than 1 pit per 20 ounces of net contents, and its label did not bear a plain and conspicuous statement that it fell below such standard.

On May 8, 1941, Spokane Valley Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

1968. Misbranding of canned cherries. U. S. v. 37 Cases of Canned Cherries. Default decree of condemnation and destruction. (F. D. C. No. 3684. Sample No. 22064-E.)

On January 17, 1941, the United States attorney for the Northern District of California filed a libel against 37 cases, each containing 6 No. 10 cans, of cherries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 20, 1940, by Stayton Canning Co. Cooperative from Portland, Oreg.; and charging that it was misbranded. It was labeled in part: (Cans) "Red Sour Pitted Cherries Water Pack Xtra Value."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On March 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANNED VEGETABLES

1969. Adulteration of canned spinach. U. S. v. 100 Cases and 98 Cases of Canned Spinach. Default decrees of condemnation and destruction. (F. D. C. Nos. 3989, 4291. Sample Nos. 37622-E, 48242-E.)

Examination showed that this product was decomposed.

On March 22 and on or about April 12, 1941, the United States attorney for the Northern District of Georgia filed libels against 198 cases, each containing 6 No. 10 cans, of spinach at East Point, Ga., alleging that the article had been shipped on or about February 17 and March 12, 1941, by Fox Bros. Co. from Chattanooga, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Lush's Brand Spinach * * * Distributed By Affiliated Food Distributors, Inc. * * * Chicago, Ill."

On April 16 and May 1, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1970. Adulteration of canned red kidney beans. U. S. v. 92 Cases of Canned Red Kidney Beans. Default decree of condemnation and destruction. (F. D. C. No. 3618. Sample No. 55374-E.)

Examination showed that this product had undergone chemical decomposition and deterioration and had an astringent and metallic taste.

On January 2, 1941, the United States attorney for the Western District of Washington filed a libel against 92 cases, each containing 24 No. 2 cans, of red kidney beans at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about June 12, 1937, by Phillips Packing Co., Inc., from Cambridge, Md.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Phillips Delicious Red Kidney Beans."

On April 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1971. Misbranding of canned green beans. U. S. v. 173 Cases of Canned Green Beans. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4218. Sample No. 47428-E.)

Examination showed that this product was not of Fancy quality, as labeled, because of the presence of tough strings.

On April 4, 1941, the United States attorney for the Northern District of Illinois filed a libel against 173 cases, each containing 24 No. 2 cans, of green beans at Chicago, Ill., alleging that the article had been shipped on or about November 16, 1940, by Paulus Bros. Packing Co. from Salem, Oreg.; and charging that it was misbranded in that the term "Quality Supreme Fancy," appearing on the label, was false and misleading as applied to an article that was not fancy because of the presence of tough strings. The article was labeled in part: "Lake View Quality Supreme Fancy Whole Green Beans."